

NATIONAL MARINE FISHERIES SERVICE AUTHORIZATION

MAY 9, 1983.—Ordered to be printed

Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

[To accompany S. 1099]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1099) to consolidate and authorize certain marine fishery programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce, having considered the same, report favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF BILL

The bill, as reported, provides a new annual authorization (\$71,500,000 for fiscal year 1984) for those activities of the National Marine Fisheries Service (NMFS) which in the past have been appropriated pursuant to standing authorization.

BACKGROUND AND NEEDS

This bill is one of a series which together provide a comprehensive authorization for the National Oceanic and Atmospheric Administration (NOAA) under the Department of Commerce.

NOAA was created by Executive Order in 1970 with the primary responsibility for most of the Federal Government's civilian research, service and regulatory programs affecting the Nation's oceans and atmosphere. The work of NOAA is critical for efficient weather forecasting and the sound management and productive use of the Nation's ocean and coastal resources.

Included among these programs are those administered by the National Weather Service, the National Ocean Survey, the National

Marine Fisheries Service, the Office of Coastal Zone Management, and the Office of Sea Grant.

The scope of NOAA's responsibilities has increased considerably in the 13 years since its formation. In the decade of the 1970's, national concern for the environment and an awareness of ever increasing demands on our oceanic and atmospheric resources were reflected by the enactment of a significant number of legislative initiatives aimed at enhancing environmental protection and promoting wise management of these resources. Several programs under NOAA were established by these new laws, including:

1. The Marine Mammal Protection Act;
 2. The Marine Protection, Research, and Sanctuaries Act;
 3. The National Ocean Pollution Planning Act;
 4. The Endangered Species Act;
 5. The Magnuson Fishery Conservation and Management Act;
- and
6. The Coastal Zone Management Act.

This piecemeal growth brought with it a patchwork of authorization bills for the agency. Virtually the entire budget authority for the programs inherited by NOAA in 1970 could be traced to several dozen acts, all of which provided standing authorizations. In fact, 85 percent of NOAA's appropriations have been provided pursuant to standing authorizations.

The other 15 percent of NOAA funding is covered by miscellaneous annual authorization acts. These annual authorization acts have little discernible relationship to the NOAA budget structure. This makes it difficult for authorization provisions to affect actual programmatic funding levels.

In response to this situation, the committee began last year to review all NOAA programs with the goal of enacting regularly expiring authorization legislation covering the entirety of NOAA. This goal stemmed from two factors:

1. The desire to play an active role in deciding how NOAA programs would be carried out and how all its funds would be spent; and
2. The desire to create a rational connection between the NOAA budget structure and all existing annual authorizations affecting the agency's mission.

Earlier legislative attempts have been made to achieve this goal. In 1982, the committee reported S. 2605, the "National Oceanic and Atmospheric Administration Authorization Act." That bill, the first attempt at a comprehensive authorization bill for NOAA, assembled various ocean and coastal, atmospheric and satellite, fisheries, and program support activities into a single bill. A somewhat less comprehensive authorization bill H.R. 6324, the "Atmospheric, Climatic, and Ocean Pollution Act of 1982," was passed by the House during the 97th Congress. Both bills encountered jurisdictional problems in the Senate and the House and were not enacted.

The new structure provided by the NOAA bills ordered reported by the committee on April 21, 1983, achieves the committee's goal of having annual authorizations covering all of NOAA. It is the committee's intent that the agency use these acts as its basis for appropriation requests in the future. At the same time, it should be noted that

the committee has proposed no statutory prohibition on appropriation requests being made pursuant to any of the other numerous fishery acts currently in law. However, the committee expects that these other acts would only be used as authority for appropriations in special cases where the task the Fisheries Service wishes to carry out is so specific that its funding can only be justified by reference to an existing standing authorization not mentioned in this bill. In addition, if such a situation should arise the committee expects that it will be promptly notified by the appropriate officials of the Commerce Department.

LEGISLATIVE HISTORY

A hearing on NOAA's marine fishery programs was held by the Commerce Committee on March 10, 1983. Administration testimony was received from Mr. William G. Gordon, Assistant Administrator for Fisheries, NOAA. Testimony was also received from individuals representing:

1. The Regional Fishery Management Councils;
2. The Regional Fishery Development Foundations;
3. Commercial fishermen;
4. The fish processing industry; and
5. Recreational fishing interests and State fisheries officials.

S. 1099 was introduced on April 19, 1983. On April 21 the committee unanimously reported the bill to the Senate without amendment.

SUMMARY OF MAJOR PROVISIONS

S. 1099, as reported would:

1. Authorize the appropriation of \$26,500,000 to NMFS to carry out its information collection and analysis duties under law for fiscal year 1984. This budget subactivity includes functions such as: collection, analysis and dissemination of scientific data necessary to manage marine fishery resources, marine mammals, endangered species and their habitats.

2. Authorize the appropriation of \$35 million to NMFS to carry out its conservation and management operations duties under law for fiscal year 1984. This budget subactivity includes functions such as development, implementation, and enforcement of conservation and management measures to achieve continued optimum use of living marine resources; including hatchery operations, fishery management plan activities, habitat conservation, and protected species management.

3. Authorize the appropriation of \$10 million to NMFS to carry out its State and industry assistance duties under law for 1984. This budget subactivity includes functions such as a financial assistance for fishing vessels and fish processing plants, market development for fishery products, product quality and grants to States for improving management of interstate fisheries and stimulating fishery development.

The above three budget subactivity authorizations are in addition to seven existing annual authorizations under which appropriations may be made for the agency: Magnuson Fishery Conservation and Management Act; Marine Mammal Protection Act; Endangered Species Act; Anadromous Fish Conservation Act; the Commercial Fisheries

Research and Development Act; Salmon and Steelhead Conservation Act; and Central, Western and South Pacific Fisheries Development Act.

ESTIMATED COSTS

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., April 25, 1983.

HON. BOB PACKWOOD,
Chairman, Committee on Commerce, Science, and Transportation,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for S. 1099, the National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act.

Should the committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN,
Director.

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

April 25, 1983.

1. Bill Number: S. 1099.
2. Bill title: National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act.
3. Bill status: As ordered reported by the Senate Committee on Commerce, Science, and Transportation, April 21, 1983.
4. Bill purpose: This bill authorizes the appropriation of \$71.5 million for fiscal year 1984 to the Department of Commerce to administer National Marine Fisheries Service programs. In addition, the bill authorizes the appropriation of such additional sums as may be necessary for legislatively authorized increases in salary, pay, and other employee benefits.
5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1984	1985	1986	1987	1988
Authorization level:					
Specified (function 300).....	71.5	.....	.....	.....	.....
Estimated (function 920).....	1.8	.....	.....	.....	.....
Total	73.3	.....	.....	.....	.....
Estimated outlays:					
Function 300.....	48.6	19.3	2.2	1.4	.....
Function 920.....	1.6	0.2	.....	.....	.....
Total	50.2	19.5	2.2	1.4	.....

Basis of estimate: The specified authorization level is as stated in the bill. The estimated additional authorization for pay increases is consistent with the assumptions in CBO's baseline projections. Outlays were estimated based on historical spending patterns for these and similar programs.

6. Estimated cost to State and local governments: None.
7. Estimate comparison: None.

8. Previous CBO estimate: None.
9. Estimate prepared by: Anne E. Hoffman.
10. Estimate approved by:

JAMES L. BLUM,
Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the committee provides the following evaluation of the regulatory impact of the legislation: The bill, as reported, provides a vehicle for the annual authorization of appropriations for programs previously funded pursuant to standing authorization.

The bill will result in no additional regulatory burdens on either individuals or businesses.

The economic effects of the bill will be minimal since it is only providing a continuation of existing authority for programs of the NMFS.

There will be no impact on personal privacy; nor will there be any new paperwork requirements.

The only group which will have an increased workload as a result of the bill is the Senate Commerce Committee. This is because the committee will henceforth be reviewing a much wider range of fishery programs than it has in the past.

The National Marine Fisheries Service may also have to answer more requests for information from the committee than it has in the past.

SECTION-BY-SECTION ANALYSIS

Section 1.

The bill's short title is the National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act.

Section 2.

Subsection 2(a) of this section authorizes \$26,500,000 for the NMFS to carry out a portion of its fisheries information collection and analysis duties. The \$26,500,000 figure represents that portion of the information collection and analysis function which in the past has been carried out pursuant to the following standing authorizations:

1. The Fish and Wildlife Act of 1956;
2. The Mitchell Act;
3. The Fur Seal Act of 1966; and
4. The Fish and Wildlife Coordination Act.

This subsection also makes it clear that these moneys may be used to fund any necessary information collection and analysis duties imposed on the agency by any other existing statute.

One of the items in subsection 2(a) pertains to funding for the NMFS to carry out its salmon research responsibilities on the Columbia River pursuant to the Mitchell Act.

Subsection 2(a) also provides full funding for the fisheries habitat research programs, and the estuarine and nearshore ecosystem fisheries programs. These research programs provide an important part of the data base needed for fisheries management decisions. These important

functions, carried out by the world class research facilities at Beaufort, N.C.; Sandy Hook, N.J.; Oxford, Md.; Seattle, Wash; are fully supported by the committee and should be adequately funded.

The subsection also provides authorization for the funding necessary for research and stock assessment studies on a wide range of commercial and recreational species, at fiscal year 1984 baseline levels.

Sectin 2(b) clarifies the fact that \$25 million referred to in section 2(a) is in addition to the moneys which have traditionally been provided under the following annual authorizations:

1. The Magnuson Fishery Conservation and Management Act;
2. The Marine Mammal Protection Act of 1972; and
3. The Endangered Species Act of 1973.

Section 3.

Subsection 3(a) authorizes \$35 million for the NMFS to carry out a portion of its duties in the area of fishery conservation and management. This \$35 million has previously been provided under the following standing authorizations:

1. The Fish and Wildlife Act of 1956;
2. The Mitchell Act;
3. The Fur Seal Act of 1966; and
4. The Fish and Wildlife Coordination Act.

Section 3(a) authorizes full baseline funding for fiscal year 1984 for the operation of the Columbia River hatchery system pursuant to the Mitchell Act. The committee intends that this program will continue to be federally funded until such time that an acceptable alternate source of funding can be found.

This subsection also provides full funding for NOAA's fishery habitat work which is aimed at avoiding potentially negative impacts of manmade changes in the marine fishery environment. This work helps to conserve the Nation's valuable fishery stocks and is fully supported by the committee as an integral part of fisheries management.

Section 3(b) clarifies that this \$35 million is in addition to those moneys which have traditionally been provided pursuant to several annual authorizations under:

1. The Magnuson Fishery Conservation and Management Act;
2. The Endangered Species Act of 1973;
3. The Salmon and Steelhead Conservation Act of 1980; and
4. The Marine Mammal Protection Act of 1972.

Section 4

Subsection(a) authorizes \$10 million for the NMFS to carry out a portion of its State and industry assistance duties. The standing authorization covering these moneys is the Fish and Wildlife Act of 1956.

Section 4(a) includes funding for the agency to carry out its general in-house industry assistance programs. Included in this package are funds to assist the industry with market development and export promotion. Export assistance is a particularly important function given the fact that the United States currently suffers from a \$3 billion annual trade deficit for fishery products. The committee supports full funding for these activities.

Subsection (b) clarifies that the \$10 million provided in subsection (a) is in addition to moneys which are provided under the following annual authorizations:

1. The Commercial Fisheries Research and Development Act;
2. The Anadromous Fish Act;
3. The Central, Western, and South Pacific Fisheries Development Act; and
4. The Magnuson Fishery Conservation and Management Act.

The committee also wishes to point out that the moneys in this section are in addition to those provided by transfer from the Saltonstall-Kennedy Fund pursuant to amendments contained in Public Law 97-424. For fiscal year 1984 the revised formula for the Saltonstall-Kennedy program would result in a transfer of approximately \$13 million for use by the NMFS.

Section 5

This section permits supplemental appropriations for increased costs incurred by NOAA as a result of pay increases and other employee benefits authorized by law.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

The bill, as reported, would make no changes in existing law.



U.S. TRAVEL AND TOURISM ADMINISTRATION

MAY 11 (legislative date, MAY 9), 1983.—Ordered to be printed

Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

[To accompany S. 212]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 212) to authorize funds for the U.S. Travel and Tourism Administration, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF BILL

The bill, as reported, amends section 304 of the International Travel Act of 1961 to provide authorization for the U.S. Travel and Tourism Administration (USTTA). The bill reauthorizes the agency for 3 fiscal years (1984, 1985, and 1986) at \$13 million, \$14 million, and \$15 million respectively.

BACKGROUND AND NEEDS

The USTTA is currently operating without an authorization. It is the committee's desire to provide a new authorization for the activities of this agency at a higher level than it has had in the recent past.

The USTTA's current appropriation for fiscal year 1983 is \$8,100,000. This is a decrease of 40 percent since 1979.

The committee feels that a minimum of \$13 million is necessary for fiscal year 1984 if the agency is to properly carry out the duties Congress mandated in the National Tourism Policy Act (Public Law 97-63).

During hearings on this subject in March the committee received a wide range of suggestions regarding authorization levels for the USTTA. These suggestions went as high as \$50 million. Since these proposals were submitted by people with extensive marketing experience, the committee places great weight on their estimates of what the USTTA will need to carry out its marketing duties.

The committee also received testimony from the Commerce Department which confirmed that the 1984 funding request of \$5,400,000 would not provide sufficient funds for the agency to carry out any of the programs Congress has mandated.

LEGISLATIVE HISTORY

S. 212 was introduced by Senator Pressler on January 26, 1983. There were 13 original cosponsors.

Oversight hearings on international tourism and the role of the USTTA were held on March 2, 1983. Suggestions on appropriate authorization levels were solicited at these hearings. The bill was ordered reported (without amendment) by the full committee on April 21, 1983, by unanimous vote.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., April 26, 1983.

Hon. BOB PACKWOOD,
*Chairman, Committee on Commerce, Science, and Transportation,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: Pursuant to section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for S. 212, a bill to authorize funds for the U.S. Travel and Tourism Administration.

Should the committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN,
Director.

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

APRIL 26, 1983.

1. Bill number: S. 212.
2. Bill title: A bill to authorize funds for the U.S. Travel and Tourism Administration.
3. Bill status: As ordered reported by the Senate Committee on Commerce, Science, and Transportation, April 21, 1983.
4. Bill purpose: S. 212 authorizes the appropriation of \$13 million in fiscal year 1984, \$14 million in fiscal year 1985, and \$15 million in fiscal year 1986 for the activities of the U.S. Travel and Tourism Administration [USTTA]. Fiscal year 1983 appropriations to date for USTTA are \$8.2 million. The President is requesting \$5.4 million in 1984 for this purpose.

5. Estimated cost to the Federal Government :

Authorization level :

Fiscal year:	Millions
1984	\$13.0
1985	14.0
1986	15.0
1987	
1988	

Estimated outlays :

Fiscal year:	
1984	8.8
1985	12.4
1986	14.6
1987	4.8
1988	1.4

Including outlays from prior years budget authority, total outlays for USTTA are estimated to be \$11.4 million in 1984 and \$12.6 million in 1985.

The costs of this bill fall within budget function 370.

Basis of estimate: For purposes of this estimate, it is assumed that the amounts authorized in the bill will be appropriated prior to the beginning of each fiscal year. Outlays reflect historical spending patterns.

6. Estimated cost to State and local governments: None

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Mary B. Maginniss.

10. Estimate approved by:

JAMES L. BLUM,
Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11 (b) of rule XXVI of the Standing Rules of the Senate, the committee provides the following evaluation of the regulatory impact of the legislation :

The bill would merely reauthorize existing programs of the USTTA for fiscal years 1984, 1985, and 1986. It would make no changes in those programs. Therefore the bill will have no impact on the number of individuals or businesses subject to Federal regulation, personal privacy, or Federal paperwork.

SECTION-BY-SECTION ANALYSIS

The bill has only one section which authorizes \$13 million, \$14 million, and \$15 million for the USTTA for fiscal years 1984, 1985, and 1986.

The committee also wishes to reemphasize the fact that the National Tourism Policy Act (Public Law 97-63) prohibits any reductions in budget, personnel, or programs at the overseas offices of the USTTA. The committee expects that this provision will be obeyed until such time as Public Law 97-63 may be amended to remove this restriction. The committee also expects that future funding levels for the USTTA

will not pose a problem in terms of maintaining the current minimal level of activities overseas. In fact, future funding levels should be sufficient for there to be some expansion of these offices.

CHANGES IN EXISTING LAW

In accordance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman) :

SECTION 304 OF THE INTERNATIONAL TRAVEL ACT OF 1961

SEC. 304. For the purpose of carrying out this Act, there is authorized to be appropriated an amount not to exceed \$8,600,000 for the fiscal year ending September 30, 1982~~].~~ *, \$13,000,000 for the fiscal year ending September 30, 1984, \$14,000,000 for the fiscal year ending September 30, 1985, and \$15,000,000 for the fiscal year ending September 30, 1986.* Funds appropriated under this section shall be available without regard to the provisions of sections 501 and 3702 of title 44 of the United States Code. Funds appropriated under this section for printing of travel promotion materials are authorized to be made available for two fiscal years.